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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

AGUSTIN, PETER VINCENT

ART UNIT PAPER NUMBER

2652

DATE MAILED: 12/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/976,277	Applicant(s) EOM ET AL.	
	Examiner Peter Vincent Agustin	Art Unit 2652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 8-18 and 22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8, 9 and 22 is/are allowed.
- 6) ☒ Claim(s) 1-5 and 10-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 October 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/30/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. Applicants indicate that replacement drawings for Figures 4 & 5A have been submitted by a separate paper filed concurrently with the amendment dated August 6, 2004. However, these drawings have not been received. The drawing informalities noted in the paper mailed on May 7, 2004, must now be corrected. Correction can only be effected in the manner set forth in the above noted paper.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 2-5 & 10-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Lee et al. (hereafter Lee) (US 6,442,128).

The applied reference has a common inventor with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention “by another,” or by an appropriate showing under 37 CFR 1.131.

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In regard to claim 1, Lee discloses a recording medium having sectors where data is recorded (figure 1), wherein each sector has a data identification area (b31-b0), in which information identifying the type of data recorded in the sector is recorded, and the data identification area indicates whether the data recorded in the sector is linking data (b25).

In regard to claims 2-5, the intended use does not limit recording medium structure or signals recorded thereon that are functionally related to the medium. Lee discloses all positively recited structure & functionally related signals, i.e., the “data identification area that indicates whether data is linking data”.

In regard to claim 10, Lee discloses that the data type identification information field comprises a sector information field (b31-b24) and a sector number field (b23-b0).

In regard to claim 11, Lee discloses that sector information field comprises a sector format type field (b31), a tracking method field (b30), a reflectance field (b29), a reserve field (b28), an area type field (b27-b26), a data type field (b25) and a number-of-layers field (b24).

In regard to claim 12, Lee discloses that the sector format type information (b31) indicates a constant linear velocity (CLV) or zone constant linear velocity (ZCLV) as follows: a first type of bit (0) indicates CLV format type; and a second type of bit (1) indicates ZCLV format type, specified for Rewritable discs.

In regard to claim 13, Lee discloses that the tracking method information (b30) indicates pit tracking or groove tracking as follows: a first type of bit (0) indicates pit tracking; and a second type of bit (1) indicates groove tracking, specified for Rewritable discs.

In regard to claim 14, Lee discloses that the reflectance information (b29) indicates whether or not reflectance exceeds 40% as follows: a first type of bit indicates reflectance is greater than 40% (0); and a second type (1) indicates reflectance is less than or equal to 40%.

In regard to claim 15, Lee discloses that reserve information (b28) indicates a reserve bit.

In regard to claim 16, Lee discloses that the area type information (b27-b26) indicates a data area, a lead-in area, a lead-out area, or a middle area for a read-only disc as follows: 00b indicates data area; 01b indicates lead-in area; 10b indicates lead-out area; and 11b indicates a middle area of a read-only disc.

In regard to claim 17, Lee discloses that the data type information (b25) indicates read-only area, or the linking data as follows: a first type of bit (0) indicates a read-only area; and a second type of bit (1) indicates a linking area.

In regard to claim 18, Lee discloses that the layer number information (b24) indicates the number of layers in a single layer disc or a dual layer disc as follows: a first type of bit (0) indicates layer 0 of a dual layer disc or a single layer disc; and a second type of bit (1) indicates layer 1 of a dual layer disc.

Allowable Subject Matter

4. Claims 8, 9 & 22 are allowed over the prior art of record.
5. The following is a statement of reasons for the indication of allowable subject matter:

In regard to claims 8 & 22, the closest prior art, Osada et al. (US 6,477,127) shows a similar system having a checking unit for checking an outputting the type of data if no error occurs in an error correction code block having a plurality of sectors, each sector having data type identification information; and a replacing unit replacing main data of a sector with

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predetermined data according to the data type output from the checking unit. However, Osada et al. disclose that the data type identification information indicates whether data recorded in a next sector following the current sector is linking data (see also applicants' admitted prior art, figures 1A-1C). Osada et al. do not disclose that the data type identification information indicates whether data recorded in the sector is linking data, wherein the claimed "the sector" is read by the examiner as "the current sector", as described by the applicants (see figures 5A-5C). This distinct feature renders claim 8 allowable. Claim 9 is dependent upon base claim 8.

Response to Arguments

6. Regarding claim 1, the applicants argue that Lee et al. do not teach what is claimed, i.e., a data identification area indicating whether the data recorded in a sector is linking data. The examiner disagrees. Lines 11-17 of the abstract clearly describes an information relating to data type, which represents whether the data is rewritable data, read-only, or linking data which can be stored in data identification data areas or identification data areas positioned at the fronts of the sectors for representing all information relating thereto.

7. Regarding claims 2-5, 8, 9 & 22, the examiner recognizes that the primary citation to Lee et al. does not qualify as prior art under U.S.C. 103(c) because of common ownership. Therefore, the rejections under 103(a) have been withdrawn.

Conclusion


8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Vincent Agustin whose telephone number is 703-305-8980. The examiner can normally be reached on Monday-Friday 9:30-5:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Thi Nguyen can be reached on 703-305-9687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Peter Vincent Agustin
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WILLIAM KLIMOWICZ
PRIMARY EXAMINER